

ANALYSIS AND FINDINGS FOR CONDITIONAL USE APPROVAL FINAL PLANNED UNIT DEVELOPMENT

CU2004-0007 Lindquist PUD

Decision Criteria for a Conditional Use

Section 40.15.05. Conditional Use Applications; Purpose

The purpose of a Conditional Use application is to allow uses on a case by case basis which warrant special review because of their size or operation. These uses are subject to the conditional use regulations because they may, but do not necessarily, cause significant adverse effects on the environment, overburden public services, change the character of an area, create or foster nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts these uses may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions specifying mitigation measures to address identified impacts, or to deny the use if the impacts are substantial and the impacts cannot be mitigated. A Preliminary, Final, or both Planned Unit Development approval may allow adjustment, variance, or both to Site Development Requirements in Chapter 20 (Land Uses) without the necessity for separate Adjustment or Variance application, findings, and approvals. This Section is carried out by the approval criteria listed herein.

Section 40.15.15.6.C. Approval Criteria:

In order to approve a Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Final PUD application.***

Facts and Findings:

Section 40.15.15.6.A Threshold: An application for Final Planned Unit Development of a Conditional Use shall be required when one or more of the following thresholds apply:

- 1. "A Final Planned Unit Development (PUD) application is the second application of a two-step application process with a Preliminary PUD as the first step. A Final PUD application may also be a one-step application process which is an alternative to the two-step*

process required when an applicant chooses to apply for a Preliminary PUD. The option of a one-step or two-step process rests with the applicant. The requirements for a Final PUD may be applied to properties within any City zoning district except Residential-Agricultural.”

The applicant proposes a one-step Final Planned Unit Development application process for the Lindquist development. Planned Unit Developments are conditionally permitted in the R7 zoning district.

Therefore, staff find that the criterion is met.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Facts and Findings:

The applicant paid the required associated fees of \$1,237.00 for a Type 3 Conditional Use Final Planned Unit Development (FPUD) application on March 8, 2004. The fees have been submitted; therefore staff find the criterion for approval has been met.

Therefore, staff find that the criterion is met.

3. *If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.*

Facts and Findings:

The Development Code allows applicant to file directly for a Final PUD. The applicant does not propose a Preliminary PUD, therefore the above criteria is not applicable.

Therefore, staff find that the criterion is met.

4. *The final PUD complies with the approved Preliminary PUD, if any.*

Facts and Findings:

The applicant does not propose a Preliminary PUD, therefore the above criteria is not applicable.

Therefore, staff find that the criterion is not applicable.

5. ***The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.***

Facts and Findings:

The dimensional standards for the site's zoning district (R7) may be modified through approval of this Planned Unit Development (PUD) application; provided that the parent parcel's required setbacks for its zoning district are met, and that intersection standards shown in the Engineering Design Manual are satisfied. The setbacks of the parent parcel have been maintained: Twenty (20) feet for the front setback (NW Walker Road); five (5) feet for side yard setbacks (NW 173rd Avenue); and, twenty-five (25) feet for the rear setback (south property line). Per Development Code Section 20.05.50.3.E minimum spacing in feet between buildings in the same development must be eight (8) feet. The proposed street and intersections will comply with the standards shown in the Engineering Design Manual.

Staff recommend the Commission adopt Table 1 for the minimum setback and driveway lengths for the development. Staff find that since the site is bound by Walker, 173rd, and the creek, additional increase in setbacks are not needed to provide a buffer between existing development and the proposed dwellings.

Parent Parcel Perimeter Minimum Setback and Driveway Length Requirements *	
Lots Nos.	Perimeter Setback Requirement
1 & 28 1-4, 8 & 9 All structures	Side yard to Walker min. 20 feet Rear yard to 173 rd min. 5 feet 8 feet spacing between all structures and minimum of 18.5 feet from garage door to back of sidewalk or a maximum of 5 feet from garage door back of sidewalk.

*** Table 1. Setback requirements are for all dwellings as well as any other form of structure that must meet setbacks as defined by the City of Beaverton's Development Code.**

Therefore, staff find that by satisfying conditions, the criterion is met.

6. *The proposal will comply with the applicable policies of the Comprehensive Plan.*

Facts and Findings:

The Beaverton Comprehensive Plan (Plan) is not intended to be a site specific document. Therefore, the Planning Commission must determine whether a particular specific conditional use request, such as the Final Planned Unit Development, for phased development, would be in conformance with the Comprehensive Plan.

Below staff have determined the following Comprehensive Plan policies to be applicable in response to this request for Conditional Use approval. For the purpose of clarification herein, each Goal or Policy of the Comprehensive Plan is shown in *italics* followed by staff findings in response thereof. Reference is also provided to the applicant's narrative response to the identified policies of the Plan. Staff notes that to satisfy the Conditional Use request Criterion #6, the applicant is only required to demonstrate how the proposal will comply with the applicable "policies" of the Comprehensive Plan. For this reason, "goals" of the Comprehensive Plan are not applicable except that a goal can be considered in determining the purpose of related policies.

3.13 *Residential Neighborhood Development*

3.13.1 *Goal: Provide for the establishment and maintenance of safe, convenient, attractive and healthful places to live.*

Policies:

- a) *Regulate residential development to provide for diverse housing needs by creating opportunities for single and multi-family development of various sizes, types and configurations.*
- b) *Encourage a variety of housing types in residential areas, by permitting or conditionally permitting any housing type (one, two or more, family dwellings) within any zoning district so long as the underlying residential density of the zoning district is met. Accessory dwelling units shall not be considered in the calculation of the underlying housing density.*

The applicant proposes to develop a Planned Unit Development (PUD) which will provide a variety of single detached housing in a variety of sizes on single-family lots which will meet the City's minimum and maximum density requirements for the site. The policy does not require the PUD to provide a variety of housing types within a specific development, but instead provides general encouragement for housing variety. The proposed PUD meets the density requirement for a R7 zoning designation of the site. Six (6) types of housing on varying lot sizes and associated tot lot and trail are proposed. The applicant does not indicate that any accessory dwelling units are proposed with the development.

- c) *Require Planned Unit Development application procedures for projects proposing two or more families within the Low Density and Standard Density land use designations. Planned Unit Developments encourage flexibility in standards and provide a mechanism for staff to make adequate findings with respect to compatibility in size, scale, and dimension. Exceptions to this requirement are dwellings designed as primary units with an accessory dwelling unit, as specified in the Development Code.*

The site has the Land Use Designation of Standard Density Residential. A Planned Unit Development is intended to provide flexibility in the site design, including lot sizes, setbacks, common open space, and private streets. The applicant's proposal is consistent with this policy. The site is bordered by Walker, 173rd, and the tributary of Willow Creek. Staff find the site is offset from existing neighborhoods that the densification of the homes on the areas above the floodplain will be compatible. Through the proposal and conditions of approval compatibility to the abutting neighborhood can be achieved.

- d) *Apply Residential Neighborhood designations (Low Density, Standard Density, Medium Density and High Density) consistent with the Metro 2040 Growth Concept Map and the City's housing target implementing strategy.*

<i>Residential Neighborhood Designations</i>	<i>Net Square Feet per Dwelling Unit</i>
<i>Low Density</i>	<i>10,000 – 12,500</i>
<i>Standard Density</i>	<i>5,000 – 8,750</i>
<i>Medium Density</i>	<i>2,000 – 4,999</i>
<i>High Density</i>	<i>1,000 – 1,250</i>

The City's Land Use Map including the residential neighborhoods have been acknowledged by Metro and are found to be consistent with Metro's 2040 Growth Concept Map. The site has a Land Use Plan Designation of Standard Density residential. The R7 zoning district has a minimum residential density of one (1) dwelling unit per 7,000 square feet. The proposal will allow for a mix of lot sizes in accordance with the underlying residential zoning. Lot sizes average approximately 4,300 square feet. Minimum density of the site is 15 units while the maximum density requirement is 48 units. The proposal for approval of 28 units meets the minimum and does not exceed the maximum density requirements, and is therefore consistent with the City's housing target implementing strategy.

- e) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*

R7 - Urban Standard Density is a zoning district identified in the Neighborhood

Residential Standard Density Land Use Designation of the Zoning District Matrix of the Comprehensive Plan Subsection 3.14. The zoning district of R7 is consistent with the Comprehensive Plan Designation, as identified in the Plan's Zoning District Matrix.

- f) *New Commercial zoning districts are not allowed within Residential Neighborhood Standard and Low Density land use designations. Existing properties with commercial zoning as shown on Figures III-2 through III-5 and listed by tax lot on said maps shall be allowed to continue in perpetuity. Expansion of the district is not allowed, but any use permitted within said district will be allowed subject to City approval through the procedures specified in the Development Code.*

Commercial zoning is not proposed due to the Residential Neighborhood Standard Density designation on the site.

- g) *Enhance the City's landscape through design measures considering the natural setting of the land and the character of existing residential neighborhoods.*

The site includes a wetland along the southern property line, and the developable site area is above the floodplain along Walker and 173rd. The proposal includes an eight (8) foot high wall and associated landscaping along these street frontages, walking trail along the wetland buffer area, and a shared use pathway within the proposed vacated street of 170th from near the access to the development to the south property line. A number of homes will have the potential for views of the creek and wetland.

- h) *Foster innovation and variety in design to enhance the visual character of the City's landscape. Innovation in design can include designing infill structures to integrate into existing neighborhoods through compatible scale, similar design features, and similar setbacks.*

The applicant states that the landscaping is attractively designed for this project to enhance the visual character, including a vine covered wall. Staff find that the PUD proposal is similar in scale, design features, and setbacks as the Village of Waterhouse PUD development on the south side of the creek. The proposed walking path and pedestrian connections to the trail and common open area which includes riparian plantings, will provide attractive amenities to the development.

- i) *Residential development, in compliance with regional mandates, shall achieve at least 80% of the maximum density allowed in the respective zoning districts as applied through 3.14 Comprehensive Plan and Zoning District Matrix.*

Minimum density of the site is 15 units while the maximum density requirement is

48 units. The proposal for approval of 28 units meets the minimum and does not exceed the maximum density requirements, therefore meets this policy.

STANDARD DENSITY RESIDENTIAL DEVELOPMENT:

3.13.3 Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space.

Policies:

- a) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.*

R7 Urban Standard Density zone is identified in the Neighborhood Residential Standard Density Land Use Designation of the Zoning District Matrix of the Comprehensive Plan Subsection 3.14. The zoning district of R7 is consistent with the respective Comprehensive Plan Designations, as identified in the Plan's Zoning District Matrix.

4.2.2 Availability of Housing Types

4.2.2.1 Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry.

Policies:

- a) *Allow development of a wide variety of housing types in the City.*

The City allows a wide variety of housing types. The applicant states that the project will offer six (6) housing types appealing to the entry-level and move-up housing markets. Staff find the proposed dwellings will provide a housing type which allow for individual homeownership on average lot size of 4,333 square feet.

- b) *Maintain the quality and safety of existing Beaverton housing stock.*

The narrative states that the high-quality housing development should improve the quality of Beaverton's housing stock; while, the proposed wall, walkways, and open areas will enhance the safety of the development. Staff find that inconsideration of the construction of similar styled homes of similar size nearby developments, the PUD as proposed will not jeopardize the quality and safety of the existing Beaverton housing stock.

5.4.1. Goal: Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.

Policies:

- b) *On-site detention will be used as a storm water management tool to mitigate*

the impacts of increased storm water run-off associated with new land development.

- c) *All new land development will be connected to a storm water drainage system. Each new development will be responsible for the construction or assurance of construction of their portion of the major storm water run-off facilities that are identified by the SWM program as being necessary to serve the new land development.*

Staff cite the applicant's plans and narrative, staff findings of Facilities Review criterion #1, and associated recommended conditions of approval for the proposed stormwater management system. The on-site storm system proposal includes water quality through the use of stormfilter catch basins and associated conveyance swales.

5.5.1. Goal: The City shall continue to participate in the Joint Water Commission and work with the West Slope, Raleigh and Tualatin Valley Water Districts to ensure the provision of adequate water service to present and future customers in Beaverton.

Policies:

- a) *All new land development (residential subdivisions, multiple family dwelling development, and industrial and commercial developments) shall be connected to a public water system.*
- b) *All new development served by the Beaverton Water Division shall be reviewed by the City to determine that the pressure of water available to serve the proposed development meets City standards.*

The applicant proposes to connect to the existing Tualatin Valley Water District public water lines in the rights-of-way of Walker Road to service the development as well as meet fire hydrant and fire flow requirements. The water line extensions will be constructed in accordance with the TVWD and the City of Beaverton's review as conditioned through the site development permit of Facilities Review. Specific review of system improvements will occur through Site Development and Building Divisions permitting for compliance with all local, state, and federal regulations relating to potable water.

5.6.1. Goal: The City shall continue to cooperate with CWS to ensure long-term provision of an adequate sanitary sewer system within existing City limits and areas to be annexed in the future.

Policies:

- a) *All new land development (residential subdivisions, and multiple family dwelling, industrial, and commercial developments) shall be connected to the City sewer system.*

- b) *When sewer service is extended into an area that contains existing development, all existing habitable buildings shall be connected to the new sewer if they are within 100 feet of the sewer line and if gravity lateral sewer lines can serve them.*

The development will connect to the existing sanitary sewer system located in the Willow Creek tributary. Sanitary infrastructure details will be reviewed through the site development permits. All dwellings will be served and meet all City connection standards. Technical findings and conditions were reviewed through Facilities Review.

5.7.1 Goal: Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents

Policies:

- e) *The City shall notify the school district of development proposals that may potentially impact a present or future school site to allow the district the opportunity to comment, purchase or request dedications.*

The City provided Beaverton School District notice of application and a copy of the development proposal. The School District subsequently submitted a Service Provider statement indicating that the proposal will have a *negative impact* on the school district. As a part of the School District's Student Safety Impacts analysis, the School District recommends the developer provide sidewalks within the subdivision and linkages that will provide safe student pedestrian access to school bus stops.

5.8.1. Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.

Policies:

- d) *The City shall notify THPRD of development proposals that may potentially impact a present or future park site to allow the district the opportunity to comment, purchase or request dedications.*

At the time of the development application, the City provided Tualatin Hills Park and Recreation District notice of application of the PUD proposal. The Park District has not submitted a Service Provider letter in regards to the project.

- g) *The planning, acquisition and development of multi-use paths should be consistent with this Plan's Transportation Element and THPRD's Trail Master Plan.*

The applicant proposes a shared-use path to the south and a walking path along the wetland buffer, however, staff find the site does not include any trail requirements

as depicted on the THPRD's Trail Master Plan.

6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

Policies:

- a) *Maintain the livability of Beaverton through proper location and design of transportation facilities.*

The development will provide one (1) vehicular connection to the surrounding street system along with multiple pedestrian and bicycle connections. As noted in the Facilities Review report the applicant will construct frontage improvements along Walker Road as required by Washington County built to City standards as provided in the conditions of approval. In addition, dedication of 170th-173rd intertie will be completed in association with the final plat recordation. Washington County will provide the centerline description to the applicant's engineer / surveyor.

- b) *Consider noise attenuation in the design and redesign of arterial streets immediately adjacent to residential development.*

Walker Road is an existing arterial street forming the frontage of the site to the north. The applicant has proposed a six (6) foot wall along its frontage, as well as along the 173rd frontage. The wall will assist in providing noise attenuation for the development.

- c) *Locate and design recreational multi-use paths to balance the needs of human use and enjoyment with resource preservation in areas identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.*

As previously described the applicant proposes a walking path within the buffer of the DSL identified wetland, which would connect the development to 173rd and Walker. In addition, a shared-use path and bridge structure will be constructed along the current 170th right-of-way.

- d) *Protect neighborhoods from excessive through traffic and travel speeds while providing reasonable access to and from residential areas. Build streets to minimize speeding.*

One (1) vehicular access is proposed and required for the development. No through traffic will occur on the private street system of the development.

6.2.2. Goal: A balanced transportation system.

Policies:

- a) *Implement Beaverton's public street standards that recognize the multi-purpose nature of the street right-of-way for a combination of utility, pedestrian, bicycle, transit, truck, and auto uses, and recognize that streets are important to community identity and provide a needed service.*

The public street system will be built to the appropriate standards as identified in the conditions of approval. The subdivision's internal street system will be private streets but will have adequate width and provide the opportunity for locating public utility systems.

- b) *Develop and provide a safe, complete, attractive, efficient, and accessible system of pedestrian ways and bicycle ways, including bike lanes, shared roadways, multi-use paths, and sidewalks according to the pedestrian and bicycle system maps and the Development Code and Engineering Design Manual and Standard Drawings requirements.*

The development includes a shared-use path connecting to the south of the site, which will meet the Engineering Design Manual Standards requirements. Walker Road improvements will include bike lanes and sidewalks. The private streets internal to the site include sidewalks.

- c) *Provide connectivity to each area of the City for convenient multi-modal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, employment and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs.*

Staff the proposed and conditioned improvements will satisfactorily meet the connectivity needs required by the policy in association with the proposal.

- d) *Develop neighborhood and local connections to provide adequate circulation into and out of neighborhoods.*

Staff find that the site is bordered by an arterial and a future arterial as well as a creek and natural resource area. The proposed vehicular access into the site has been approved by Washington County with no secondary vehicular access to be allowed to the surrounding street system. The subdivision includes private streets with a primary cul-de-sac located at the westerly end of the development.

- e) *The permanent closure of an existing road in a developed neighborhood is not recommended and will be considered by the City only under the following circumstances: as a measure of last resort, when the quality of life in the neighborhood is being severely threatened by excessive traffic volumes or the presence of a traffic safety hazard; or, as part of a plan reviewed through the City's land use, site development, and/or capital improvement process(es).*

Maintain existing neighborhood connectivity by avoiding closures of existing streets except when the closure is part of a larger plan for improvements to the neighborhood.

The applicant proposes a Street Vacation, to vacate a portion of SW 170th Avenue from Walker to the southerly property line of the development. This portion of 170th is a “paper street” which has never been constructed. Washington County, through the MSTIP program, is in the process of designing a 170th-173rd intertie which would connect these two north - south streets near the southwesterly corner of the Lindquist property. The City’s TSP Functional Plan depicts this general alignment of the intertie. The Lindquist project would benefit from the street vacation, as lots and access are proposed within this existing paper street right-of-way. The application also provides a shared-use path connecting the lots to the southern property line. Staff find that no existing constructed street will be closed due to the proposal.

- f) *Design streets to accommodate transit while minimizing impacts to traffic flow.*

Tri-Met bus service #59 is provided along Walker Road at 30 minute service intervals. Tri-Met has not provided comments to the Facilities Review Committee addressing transit needs and potential future transit stops within the vicinity of the development. Walker Road will be constructed to adequately accommodate transit. As Tri-Met has not requested specific improvements at this time, staff find that if future transit improvements are needed to accommodate a transit stop, the street will be designed appropriately for a stop.

6.2.3. Goal: A safe transportation system.

Policies:

- b) *Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan.*

The applicant has proposed private internal streets, meeting the City’s street standard as well as Tualatin Valley Fire and Rescue’s access requirements. Specific design standards will be reviewed further during the site development permitting stage. Walker Road improvements will meet Washington County’s minimum standards.

- d) *Designate safe routes from residential areas to schools.*

The applicant proposes various pedestrian connections to the overall street system. As connections and street improvements occur around the site, safe routes will become more readily available to Elmonica Elementary and Five Oaks Middle School. The School District’s comments in their service provider letter included a request for the development provide safe school routes to school bus stops.

- e) *Construct multi-use paths only where they can be developed with satisfactory design components that address safety, security, maintainability, and acceptable uses. Multi-use paths should converge at traffic-controlled intersections to provide for safe crossing, although they should be separate and distant from major streets for most of their length.*

A shared use path is proposed and will provide for the future opportunity to connect from the south to the north by a creek crossing. The path will be built to City standards.

- f) *Provide satisfactory levels of maintenance to the transportation system in order to preserve user safety, facility aesthetics, and the integrity of the system as a whole.*

The private streets will be maintained by the Homeowner's Association, while the public streets will be maintained by either Washington County or the City of Beaverton.

- g) *Maintain access management standards for streets consistent with City, County, and State requirements to reduce conflicts among vehicles, trucks, bicycles, and pedestrians. Preserve the functional integrity of the motor vehicle system by limiting access per City standards.*

Walker Road access location is under Washington County's jurisdiction. The applicant has submitted a Traffic Report by Lancaster and Associates including a request to Washington County for access modifications. The applicant states they have been closely working with the City and County to obtain the necessary access permits and refining the access location and design. The proposal must comply with County standards for the intersection at Walker Road. In addition, the applicant will be working with Washington to appropriately construct the Walker Road sidewalks both at the 173rd intersection and at the eastern edge of the development.

- h) *Ensure that adequate access for emergency services vehicles is provided throughout the City.*

Tualatin Valley Fire and Rescue and the City of Beaverton's Police Department have reviewed the proposal, and with conditions of approval, the agencies are satisfied with the access for emergency vehicles into the site.

6.2.4. Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.

Policies:

- c) *Maintain levels of service consistent with Metro's Regional Transportation Plan and the Oregon Transportation Plan. Reduce traffic congestion and enhance traffic flow through such system management measures as intersection improvements, intelligent transportation systems, incident management, signal priority, optimization, and synchronization, and other similar measures.*

A traffic analysis was not required. The trip generation of the proposed 28 single-family units is not great enough to meet the threshold requirement (Development Code Sec 60.55.10.7 Traffic Analysis). Staff cite the findings for Facilities Review criterion #1 as applicable to this policy. In the findings of the Facilities Review Committee, the Committee found that the surrounding street system will, with the recommended street improvements that are conditions of approval, adequately accommodate the traffic from this proposed development.

6.2.5. Goal: Transportation facilities that serve and are accessible to all members of the community.

Policies:

- a) *Construct transportation facilities, including access to and within bus stop waiting areas, to meet the requirements of the Americans with Disabilities Act.*

The improvements include ADA compliant walkways throughout the site where required. The Facilities Review Committee has made a positive finding for Section 40.03.10 that the project will meet ADA requirements. The walking path within the wetland buffer area does not need to be ADA compliant.

6.2.7. Goal: Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents. Create a stable, flexible financial system.

Policies:

- a) *Coordinate transportation projects, policy issues, and development actions with all affected governmental units in the area. Key agencies for coordination include Washington County, Oregon Department of Transportation, TriMet, Metro, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue, and the adjacent cities of Tigard, Hillsboro, and Portland.*

The applicant has been working with Washington County and the City of Beaverton to ensure the site's access will meet the requirements of a safe intersection to Walker Road. The project proposes dedications and improvements to the street systems on the property perimeter.

- e) *Establish rights-of-way through development review and, where appropriate, officially secure them by dedication or reservation of property*

The applicant states that rights-of-way, as required, will be provided during the final plat process. The Facilities Review Committee in Section 40.03.1 has identified and conditioned the appropriate street dedication of 173rd. Walker Road has the appropriate street right-of-way width.

7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.

Policies:

- a) *Inventoried natural resources shall be conserved, protected, enhanced or restored.*
- b) *Conserve, protect and enhance natural resource sites and values through a combination of programs that involve development regulations, purchase of land and conservation easements, educational efforts, and mitigation of impacts on resource sites.*
- c) *Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike.*
- d) *The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.*
- e) *Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon Department of Environmental Quality.*
- f) *Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping.*
- g) *Limited alteration or improvement of Significant Natural Resource areas may be permitted so long as potential losses are mitigated and “best management practices” are employed.*
- h) *Roads and utilities, which must be located within, or traverse through, a Significant Natural Resource Area, shall be carefully planned and aligned so as to minimize loss and disruption. A rehabilitation or restoration plan shall be a necessary component. The City should allow variations from standard street sections in these areas.*

The project proposes various improvements to the identified Significant DSL Wetland. The proposed mitigation and enhancement to the wetland are analyzed in the Pacific Habitat Services, Inc., *Natural Resource Assessment Report*, dated April 19, 2001. The study includes a delineation of the wetlands as adopted through the City's Local Wetland Inventory Map, as well as a vegetated corridor assessment.

The development is required to obtain a site development permit prior to any work performed on the site. In association with the site development permit and work to begin on the site, conditions of approval have been recommended by the Facilities Review Committee to the Commission for approval. The site development permitting process provides the necessary review of technical requirements of resource impacts, best management methods, and mitigation to address the needs of development and protection of natural resources.

A Joint Permit Application will need to be submitted to Department of State Lands (DSL) and the Army Corps. of Engineers (Corps.). Through the review of the DSL and Corps permit, other agencies review and approval will include, the National Marine Fisheries Service, US Fish and Wildlife Service, and the Oregon Department of Environmental Quality, 401 Water Quality Certification. In addition, staff has received a service provider letter from Clean Water Services with attached conditions of approval. Staff find that prior to issuance of a site development report the proposal will be required to show that all regulatory conditions of the various jurisdictional agencies, including planting, maintenance, and warranty requirements of all mitigation vegetation. The appropriate permits from governing bodies will be in place prior to the City's issuance of the site development permit.

Resource impacts include minor encroachments within the wetland buffer for a conveyance system, a narrow soft path within the buffer, and a shared-use path crossing the stream. The shared-use path would be paved ten feet wide with a bridge crossing. Stormwater outfall structures and connections to sanitary sewer will be necessary in some locations. These encroachments will be offset by restored and enhanced buffers. All work to be completed in the encroached buffer areas will comply with CWS standards.

7.3.2.1 Goal: *Promote a healthy environment and natural landscape in riparian corridors, and manage conflicting uses through education, and adoption and enforcement of regulations.*

Policies:

- a) *Significant Riparian Corridors shall be protected for their fish and wildlife habitat values, and other values associated with the natural resource area. Development plans for these areas shall treat these components as assets and encroachment into the riparian corridor shall require enhancement, mitigation, or restoration.*

- b) *Streams, creeks, and other watercourses, including a number of small drainages not identified on the Significant Natural Resources inventory maps, can be significant amenities. The City should protect the natural resource values of these areas from damage or degradation caused intentionally or by neglect. The city should cooperate with and assist property owners in maintaining and upgrading these areas for their potential aesthetic, wildlife, or recreational value.*

Staff find that the applicant has identified the site's Significant DSL Wetland and the project will incorporate restoration of the wetland, including enhanced buffers along the stream and wetland associated with the stream. By the applicant complying with Clean Water Services conditions of approval, specifically the landscaping maintenance plan and monitoring warranty period of the CWS letter dated April 7, 2004, the policy will be met. A two (2) year maintenance period is required from the time of planting and if survival rate drops below 80% then the applicant is required to replant and begin a new two (2) year warranty period. The City find that CWS's conditions of approval are appropriate for ensuring plantings become established and if necessary for new vegetation to be re-planted with a new warranty period.

7.3.3.1 Goal: Protect or enhance wetlands adopted as Significant Wetlands in the Local Wetland Inventory.

Policies:

- a) *Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values.*
- b) *Development within the buffer area adjacent to a significant wetland shall be subject to restrictions on building, grading, excavation, placement of fill, and native vegetation removal.*

As previously stated in this report, the identified Significant DSL Wetland will be protected and enhanced with vegetative plantings, with the minor impacts to the wetland in providing a shared-use path, a lineal soft path, conveyance area within the buffer, and required facility connections. Homes will be located outside the wetland and buffer area. Staff find the policy will be met.

8.2.1. Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.

Policies:

- a) *All water resource areas within the City shall be enhanced, restored or protected to the extent practicable.*
- e) *Protect investments in the City by managing stormwater runoff.*

The proposed stormwater system was reviewed by the Facilities Review Committee

for adequacy of erosion control to minimize impacts to water quality. Through recommended conditions of approval, the City's water sources will be protected from adverse impacts of construction activities associated with the Lindquist development.

8.7.1 Goal: *Maintain the functions and values of floodplains, to allow for the storage and conveyance of stream flows and to minimize the loss of life and property.*

Policies:

- a) *Utilize uniform or complementary interjurisdictional floodplain development and management programs to reduce flood hazards, protect natural resources, and permit reasonable development.*
- b) *Development shall be prohibited in the floodway, except as necessary for the placement of roadways, utilities, stormwater conveyance, bridges, culverts, and grading related to public utility projects as permitted by the appropriate implementing ordinances.*
- c) *Construction within the floodfringe shall be regulated through the City's implementing ordinances, such as the City's Engineering Design Manual and Standard Drawings.*
- d) *Uncontained areas of hazardous materials, as defined by the DEQ, shall be prohibited in the floodplain.*

Staff find that the proposal does not include any fill within any of the floodplains on site. The applicant states that no construction is proposed within the flood fringe and no hazardous materials will be stored in the floodplain areas. Staff find that the proposed improvements to the shared use path will be completed in accordance with the City's Engineering Design Manual and as approved through the DSL / Corps. Permit review.

9.2.3.1 Goal: *To support a high quality of life for all of Beaverton's citizens.*

Policies:

- a) *To require a high quality of new development within the City to create an attractive environment.*

Staff find that the applicant's proposal will include high quality materials and finishes, landscaping, site perimeter wall along the Walker and 173rd rights-of-way and public infrastructure improvements and amenities that exceed City standards.

Therefore, staff find that by satisfying conditions, the criterion is met.

7. ***The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.***

Facts and Findings:

The applicant states that the site is amply sized for the proposal and has a configuration that is conducive to its layout, including a gentle topographical change over the buildable area of the site. Staff concurs with the applicant that through the PUD opportunity the site can reasonably accommodate the proposal, while meeting density requirements and not affecting the Significant DSL Wetlands. The project provides a design that is safe for building and access while preserving sensitive areas, providing adequate services, and common open space.

Therefore, staff find that by satisfying conditions, the criterion is met.

8. ***The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.***

Facts and Findings:

The applicant states that the parcels on which the development is proposed are surrounded by residences; the project, therefore, will have no adverse impacts on the livability of the surrounding properties. Staff find that the proposed PUD is located in on a property that is off-set from other abutting properties, due to the wetland along the southerly half of the site, and Walker and 173rd streets. Adjacent development includes the Village at Waterhouse PUD and single family detached homes on the opposite sides of the streets. Staff find that the location, size, and functional characteristics of the development proposal can be made reasonably compatible with and have a minimal impact on the livability and development of properties in the surrounding area of the site. Improvements to the development which will benefit not only this proposal but the community, includes the shared use path, street improvements, and wetland enhancement.

Therefore, staff find that the criterion is met.

9. ***The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.***

Facts and Findings:

Staff find that the project as proposed with reduced setback and lot sizes will result in enhancement of the site and will provide preservation of the Significant DSL

wetland located along the southerly portion of the site. The site's constraints of the wetland and two (2) major streets, provides a challenge to have a development design which would meet the density requirements of the site as well as protecting the wetlands. The site design proposal provides for a private street buffer and wall between the majority of the homes and Walker Road, therefore staff find the lessening of the Site Development Requirements results in benefits to the enhancement of the site while preserving the Significant DSL Wetland.

Therefore, staff find that the criterion is met.

10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Facts and Findings:

The applicant has submitted the required application materials for review of a Conditional Use-Final Planned Unit Development application. This review process is a required step to receive City approval for the applicant's proposal. The developer has submitted two (2) additional applications including, a Land Division-Preliminary Subdivision (LD2004-0015), and a Street Vacation (SV2004-0001). The Land Division application is being reviewed concurrently with the PUD application at the Commission they will review both applications at one public hearing. The City Council will decide on the Street Vacation at a public hearing scheduled for January 3, 2005. Approval and vacation of SW 170th Avenue within the confines of the developable site, is required if the PUD and Land Division are ultimately approved.

Therefore, staff find that by satisfying conditions, the criterion is met.

CONDITIONAL USE CONCLUSION

Based on the facts and findings presented, staff conclude the proposal, **CU2004-0007 (Lindquist PUD)**, meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommend **APPROVAL** of **CU2004-0007 (Lindquist PUD)**, if the associated Lindquist PUD applications are ultimately approved, and thereby are subject to the conditions of approval identified in the Conditions of Approval, Attachment D.